

A public hearing and regular meeting of the City Commission of the City of Apalachicola was held on Tuesday, August 3, 2010 at 6:00 PM in the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Brenda Ash, Commissioner Mitchell Bartley, Commissioner Frank Cook, City Administrator Betty Webb, City Clerk Lee Mathes, City Attorney Pat Floyd, Chief of Police Bobby Varnes, Building Inspector Gene Osburn, Grants Manager Cindi Giametta, Public Works Foreman Wilbur Bellew, Street Supervisor Marvin Croom

Visitors: Cindy Clark, Joe Taylor, Michael Shuler, Geoffrey Hewell, Jim Waddell, George Coon, Caty Greene, Anita Grove, David Adlerstein, Lisa Spooner, Tony Penez, Dan Runyon, Liz Kelsey, Chuck Colvert, Jamie Atchison, Ronnie Jones, Steve Bonifay, Mark Tarney, Lisa Hooker, Dieter Ambos, Judi Stokowski, Marie Marshall, Willoughby Marshall, Leslie Coon

Public hearing opened by Mayor Johnson followed by prayer and pledge.

#### **PUBLIC HEARING- ORDINANCE 2010-02 – LOITERING ORDINANCE**

Attorney Floyd stated there will be some modifications made to ordinance and there will be one more public hearing once modifications have been made, but public comment can be received. Attorney Floyd reviewed ordinance.

No public comment.

#### **REGULAR MEETING**

#### **SKATE PARK – NAME IN HONOR OF JUSTIN “SCAB” GRIFFIN**

\* Ms. Webb stated she has been approached by family and friends to name the skate park in honor of Justin Griffin.

Motion to name the skate park only “Justin B. Griffin Park” in honor of Justin “Scab” Griffin made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

Voting Aye: Elliott, Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

\* U. S. Special Opps presented award to City in appreciation of support of low key military exercises that are going to be held in Apalachicola.

\* Ken Schroeder – Update on Drainage Improvement Project @ Avenue F & 6<sup>th</sup> Street – Mr. Schroeder not present. Ms. Webb stated this situation has been handled.

**2<sup>ND</sup> READING & ADOPTION DECISION – ORDINANCE 2010-02 – LOITERING ORDINANCE**

Attorney Floyd stated modifications need to be made to ordinance. Ordinance is not ready for adoption at this time.

**APPROVAL OF MINUTES**

Motion to approve June and July minutes made by Commissioner Ash, second by Commissioner Cook.

Motion carried 5 to 0.

Voting Aye: Ash, Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

**APPROVAL OF BILLS**

Motion to approve May and June bill list made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

Voting Aye: Bartley, Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

**CHAMBER OF COMMERCE REPORT**

Anita Grove submitted written report.

**TRAFFIC SAFETY TEAM**

No representative present at meeting.

**LIBRARY REPORT**

Caty Greene submitted written report.

**PLANNING & ZONING REPORT**

Dieter Ambos stated no meeting was held in July.

**FIRE DEPARTMENT REPORT**

No representative present.

**POLICE DEPARTMENT REPORT**

Chief Bobby Varnes submitted verbal report.

**CITY ADMINISTRATOR REPORT**

\* Ms. Webb stated that Run for the Bay Marathon will be held October 24, 2010. Need resolution passed by City to show support.

Motion to adopt Resolution 2010-07 supporting Run for the Bay Marathon made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

Voting Aye: Cook, Elliott, Ash, Bartley, Mayor Johnson

Voting Nay: None

\* Ms. Webb stated Resolution 2010-08 needs to be adopted to approve FSF parade route.

Motion to adopt Resolution 2010-08 approving Florida Seafood Festival parade route made by Commissioner Bartley, second by Commissioner Cook.

Motion carried 5 to 0.

Voting Aye: Elliott, Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

Public comments received on parade route.

\* Ms. Webb stated the County will pave 24<sup>th</sup> Avenue if the City will contribute \$9,000 towards the project. Monies will be taken from LOGT funds.

Motion to contribute \$9,000 towards paving 24<sup>th</sup> Avenue with funds coming from LOGT made by Commissioner Cook, second by Commissioner Bartley.

Motion carried 5 to 0.

Voting Aye: Ash, Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

\* Ms. Webb stated that Progress Energy will be holding a meeting on August 5<sup>th</sup> from 5:00 – 7:00 PM in the Armory to discuss transmission line from Apalachicola to Eastpoint, but several citizens want to discuss the proposed power poles that are going on Water Street.

Public comments received about the proposed power poles on Water Street.

Attorney Floyd stated he could attend the meeting on August 5<sup>th</sup> if Commission would like him to do so.

Mayor Johnson stated it might be best to invite Progress Energy to a workshop or regular meeting to discuss the power poles on Water Street.

Workshop scheduled for Wednesday August 11<sup>th</sup> at 5:30PM with Progress Energy to discuss power poles on Water Street.

\* Motion to authorize payment for Attorney Floyd's invoice made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

Voting Aye: Bartley, Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

\* Ms. Webb stated the County has some concerns regarding the land swap for hospital.

Michael Shuler, County attorney, stated the County has concerns that the proposed land swap would be in violation of the City's comprehensive plan, and property that would be transferred into the County's land trust for affordable housing.

Ms. Webb stated that Washington Square is not included in the recreation open space element of the comprehensive plan. Attorney Floyd agreed.

Ms. Webb stated the future land use map shows Washington Square as public use and not recreation use.

Willoughby Marshall stated a workshop needs to be held to discuss the land swap.

Mayor Johnson asked if anything was going to be built on the lots.

Chuck Culvert, hospital administrator, stated the proposed ER would be on this property.

Commissioner Ash recommends the Commission authorize Ms. Webb to identify areas for land swap and bring back to Commission.

Mr. Shuler stated the City has already appointed Ms. Webb to conduct this transaction.

Commissioner Bartley made following motion:

1. City confirmed the information received from the staff and legal counsel that the trade of the parcels (land swap) is not inconsistent with the City of Apalachicola's Comprehensive Plan.
2. City confirmed the agreement reached with Franklin County to perform the land swap as previously documented and request the County proceed with completion of the agreement.
3. Betty Webb as City Administrator has been given the authority to complete the agreement as directed by the City Commission of the City of Apalachicola.
4. The land being traded to the County by the City of Apalachicola (that which remains in its ownership of Washington Square) is to be deeded with a reversion clause that provides for the property deeded to revert to and be owned by the City of Apalachicola without further consideration to be paid by the City when the property ceases to be used by the County for a public hospital just as the other property transferred to the County contains such reversion.

Motion seconded by Commissioner Ash.

Motion carried 5 to 0.

Voting Aye: Cook, Elliott, Ash, Bartley, Mayor Johnson

Voting Nay: None

#### **WATER & SEWER DEPARTMENT REPORT**

No representative present.

#### **STREET DEPARTMENT REPORT**

Marvin Croom gave verbal report.

#### **PUBLIC WORKS DEPARTMENT REPORT**

Wilbur Bellew gave verbal report and stated that Robert Osburn has been named Public Works Employee of the Month.

**BUILDING DEPARTMENT REPORT**

Gene Osburn gave verbal report.

**GRANTS MANAGER REPORT**

Cindi Giametta stated she has located a FWC grant that could possibly repair the pier at the Sineath property. Ms. Giametta stated that FWC grants are reimbursable.

Motion to authorize Ms. Giametta to apply for FWC grant to repair pier at Sineath property made by Commissioner Elliott, second by Commissioner Cook.

Commissioner Ash stated her biggest concern is the City having to cover the expenses, and getting reimbursed later. Commissioner Ash stated the City can't afford a line of credit to carry the expenses.

Commissioner Elliott amended motion to include Commissioner Ash's concerns.

Ms. Giametta stated the City could get quarterly reimbursement.

Motion carried 5 to 0.

Voting Aye: Elliott, Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

**CITY CLERK REPORT**

Lee Mathes presented Commission with a revised 10/11 budget calendar.

**ATTORNEY FLOYD REPORT**

1. Attorney Floyd updated Commission on ACOE litigation.
2. Attorney Floyd updated Commission on BP claims process.
3. Attorney Floyd read resolution 2010-06 (CRA) in its entirety.

Motion to adopt Resolution 2010-06 establishing a redevelopment trust fund for implementation of tax increment financing for the City's CRA area made by Commissioner Ash, second by Commissioner Bartley.

Motion carried 5 to 0.

Voting Aye: Ash, Bartley, Cook, Elliott, Mayor Johnson

Voting Nay: None

### **OTHER VISITORS AND COMMENTS**

1. Anita Grove stated she met with Centennial Bank and welcomed them to the community. Ms. Grove asked if the City can do anything to make people take care of their property and dispose of their trash.

Attorney Floyd stated the nuisance ordinance has provisions that address that.

2. Geoffrey Hewell stated that Community Pride meets every 3<sup>rd</sup> Thursday and Cotton Warehouse has vines growing up the side. Mr. Hewell asked if the City has revamped the signage and sidewalk ordinance.

Dieter Ambos stated that Planning & Zoning is working on that, but doesn't know the status.

Mr. Hewell stated the existing ordinance is not being enforced.

3. Jamie Atchison, Historic Apalachicola Inc. Chair, stated Historic Apalachicola, Inc. requests endorsement and support of our efforts in the form of a City resolution to formalize relationship in order to prepare application for the National Trust for Historic Preservation's Main Street Program. Ms. Atchison stated the organization's sole purpose is to partner with the City of Apalachicola to apply for the Main Street Program.

Mayor Johnson stated he was hoping the request would be coming as a unified statement from several groups, not just one organization. There seems to be 2 groups interested in the Main Street Program.

Commissioner Ash stated emphasis needs to be put on Apalachicola. Everybody needs to be in agreement and work together.

Mayor Johnson stated a resolution is needed, but was hoping it would be from a whole group, not just one organization.

Anita Grove stated the Chamber of Commerce's focus is mainly Apalachicola. Ms. Grove stated the new Chamber Board has some comments to make on this matter.

Mayor Johnson stated the Commission wants to see a functioning Main Street Program in Apalachicola.

Joe Taylor stated it should not be a choice of one or the other. Historic Apalachicola, Inc. is a nonprofit organization and the Chamber of Commerce is a business. The 2 organizations do work together.

Mayor Johnson stated he would like to meet with Chamber President Michael Shuler and Jamie Atchison before a decision is made.

4. Ms. Webb stated a special meeting will need to follow the August 11<sup>th</sup> workshop to rank sidewalk project proposals.

Mr. Hewell asked if the citizens were notified that a sidewalk was going in front of their house.

Ms. Webb stated this project is a recommendation of the Traffic Safety Committee.

5. Commissioner Elliott discussed a citizen's drainage problem on Myrtle Avenue.

Jim Waddell discussed on how to solve drainage issue.

Motion for City to install pipe if property owner buys pipe made by Commissioner Elliott, second by Commissioner Bartley.

Motion carried 5 to 0.

Voting Aye: Bartley, Cook, Elliott, Ash, Mayor Johnson

Voting Nay: None

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Lee H. Mathes, City Clerk



